

REGULAR CITY COUNCIL MEETING
AUGUST 13, 1990

PRESENT

Don Dafoe	Mayor
Wesley J. Bloomfield	Council Member
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex T. Harris	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Ken Rand	Chronicle/Progress
Mitchell Myers	Silver Sage Subdivision
Michael Bettis	Silver Sage Subdivision
Kirt Myers	Silver Sage Subdivision
Darwin Mabbutt	Delta City Resident
George Van	Deltan Inn
Mike Van	Deltan Inn
Sheryl Dekker	Delta City Resident
Bryce Ashby	Delta Fire Chief
Curtis Simmons	Delta High School
Mark Knudsen	Delta High School
Rick Morris	Boy Scout
Joe Morris	Delta City Resident
Gary Church	Planning Commission Chairman
	Department of Agriculture

Mayor Dafoe called the meeting to order at 7:00 p.m. Mayor Dafoe led the Council in the Pledge of Allegiance after which Council Member Robert Droubay offered an invocation. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held July 9, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which has been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$99,461.99. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE GRANTING TO CENTRAL UTAH GAS COMPANY, ITS SUCCESSORS OR ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR THE CONSTRUCTION AND OPERATION OF A GAS DISTRIBUTING SYSTEM FOR A MINIMUM TERM OF FIFTY YEARS, AND FIXING AND PRESCRIBING CONDITIONS AND TERMS

Mayor Dafoe asked Attorney Richard Waddingham to discuss with the Council an ordinance regarding a non-exclusive franchise with Central Utah Gas Company for the construction and operation of a gas distributing system within Delta City.

Attorney Waddingham explained that he has not been able to meet with Central Utah Gas Company to discuss an ordinance with them.

Following brief discussion, Council Member Gayle Bunker MOVED to table discussion of this item to allow Attorney Waddingham time to meet with Central Utah Gas Co. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: STATUS OF KAYE'S HAIR CARE BUSINESS LICENSE

Mayor Dafoe asked Public Works Director Neil Forster to discuss the status of Kaye's Hair Care Business License.

Public Works Director Neil Forster said that Kaye Niles is required to meet with the Board of Adjustments for a variance for her beauty shop located in her basement. He said that he has an application for a variance to give to Mrs. Niles to request a meeting with the Board of Adjustments.

ATTORNEY RICHARD WADDINGHAM: ABOVE GROUND STORAGE TANKS

Mayor Dafoe asked Attorney Richard Waddingham to discuss above ground storage tank regulations.

Attorney Waddingham said that he has reviewed some of the requirements for above ground storage tanks and has found that there are certain restrictions under the Uniform Fire Code subject to placement of above ground storage tanks. However, Mr. Waddingham said that Delta City can be more restrictive than required by the Uniform Fire Code if they choose.

Delta Fire Chief responded to questions from the Council regarding Uniform Fire Code requirements for above ground storage tanks. Chief Ashby recommended that an ordinance be in place in order to regulate above ground storage tanks within Delta City.

Following discussion, Council Member Robert Dekker MOVED to authorize Attorney Richard Waddingham and Fire Chief Bryce Ashby to prepare an ordinance regarding the regulation of above ground storage tanks. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

The Personnel Policy was not discussed in this meeting.

ATTORNEY RICHARD WADDINGHAM: ORDINANCE REGULATING PARKING IN PRIVATE BUSINESS PARKING AREAS

Mayor Dafoe asked Attorney Waddingham to present an ordinance regulating parking in private business parking areas.

Attorney Waddingham said that the State Statute does allow municipalities to regulate parking in private business parking areas; however, Delta City should enter into an agreement with private property owners in certain commercial establishments.

Attorney Waddingham said that he has prepared an ordinance, and he is preparing separate agreements for private business/property owners to sign. He also said that a Public Hearing is necessary to receive public comment regarding the proposed ordinance; however, the agreements must be signed prior to a Public Hearing.

City Recorder Dorothy Jeffery was asked to work with Attorney Waddingham and to make personal visits to business owners in order to get the agreements signed.

Following discussion, Council Member Gayle Bunker MOVED to schedule a Public Hearing for September 10, 1990, at 6:30 p.m. for the purpose of receiving public comment regarding the regulation of vehicles parking in private business parking areas. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: STATUS OF CLEAN-UP OF WHITE SAGE APARTMENT PROPERTY

Mayor Dafoe reported that Intermountain Power Agency (IPA) has received a Letter of Credit from Tumarru Trades, Inc., and Tumarru Trades is proceeding with the clean up of the White Sage Apartment Property.

Public Works Director Neil Forster reported that he and Gordon Shipley, IPA, toured the area and discussed the procedure on how to cap the existing water lines in that area. Mr. Forster said that he feels that Tumurru Trades is making a good effort in cleaning up the property.

FIRE CHIEF BRYCE ASHBY: REGULATIONS FOR RETAIL SALE OF FIREWORKS

Mayor Dafoe asked Fire Chief Bryce Ashby to discuss the regulation of fire works within Delta City.

Fire Chief Bryce Ashby stated that he would like Delta City to adopt an ordinance which would regulate the retail sale of fireworks within Delta City. He requested that applicants be required to fill out sepearte applications for the sale of fireworks and that special permits be issued to those applicants.

Chief Ashby also reminded the Council that in the past, under Section 9-314 of the Revised Code of Ordinances, a fee of \$100 has been charged for a one month period of fireworks sales. Chief Ashby requested that a regulatory fee be established for the sale of fireworks.

Attorney Waddingham said that he would prepare an ordinance regarding the regulation of fireworks sales within Delta City and present it at the next Regular City Council Meeting.

GARY CHURCH, PLANNING COMMISSION CHAIRMAN: FINAL PLAT-PHASE I, SILVER SAGE SUBDIVISION

In view of Gary Church's absence, Mayor Dafoe read the following

letter from the Planning & Zoning Commission dated August 7, 1990, regarding the Silver Sage Subdivision Final Plat - Phase I:

In a Planning Commission Meeting held August 6, 1990, Mr. Mitch Myers presented for the Planning Commission's approval a Final Plat for Phase I of the Silver Sage Subdivision.

The Planning Commission has reviewed Final Plat-Phase I of the Silver Sage Subdivision and recommends that the City Council approve the Final Plat subject to Mr. Myers' completion of the necessary corrections as indicated by Bush & Gudgeon, Inc. Engineers (Letter is attached).

According to the Development Permit Review completed by Zoning Officer Neil Forster, the score for the Silver Sage Development exceeds the standard score required. Therefore, the Planning Commission recommends that the City Council approve Final Plat for Phase I of the Silver Sage Subdivision subject to the aforementioned corrections.

Mayor Dafoe said that the Development Permit Review indicates that a minimum standard score of 426 was required for the Silver Sage Subdivision; however, a score of 569 was acquired.

Attorney Waddingham reviewed Section 5.4 of the Subdivision Ordinance regarding Guarantee of Improvements wherein it states that the Subdivider shall guarantee the installation and construction of the required improvements within two years from the date of approval of the final plat. Guarantee shall be made by one or more of the following methods: Bond, Escrow, Irrevocable Letter Of Credit, Deposit With Municipality, Covenant or Trust Deed.

Mr. Myers indicated that he would guarantee the improvements in the Silver Sage Subdivision by means of a Trust Deed. Mr. Myers also said that he has met with some of the White Sage Subdivision Residents and has agreed to the following protective covenants for the Silver Sage Subdivision:

1. Carport Required Within Four (4) Years.
2. Some Brick Requirements.
3. No Slick Siding.
4. All Wheels And Running Gear Removed From Manufactured Homes.

Following further discussion, Council Member Robert Droubay MOVED to approve Final Plat - Phase I of the Silver Sage Subdivision subject to corrections being made on the Preliminary Plat of the Silver Sage Subdivision as stated by Bush & Gudgeon Engineers, also subject to a Trust Deed being in place to guarantee improvements. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. Council Member

Wesley Bloomfield abstained from voting. The motion passed by a majority vote.

RICK MORRIS, BOY SCOUT: REQUEST TO INSTALL HORSESHOE PIT AT CITY PARK OR NEIGHBORHOOD PARK

Mayor Dafoe asked Rick Morris, Boy Scout, to address the Council regarding a request to install a horseshoe pit at either the City Park or the Neighborhood Park.

Rick Morris said that as part of his Eagle Scout Project he would like to install a regulation horseshoe pit at either the City Park or the Neighborhood Park. Mr. Morris presented the details for cost, materials and construction of a horseshoe pit. He said that the total cost of the project would be approximately \$35.00 and requested that the City pay that amount.

Following brief discussion, Council Member Robert Dekker MOVED to approve an expenditure of \$35.00 for an Eagle Scout Project to build a Horseshoe Pit in the City Park; location is to be determined by Public Works Director Neil Forster. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MICHAEL VAN, DELTAN INN: REQUEST TO HANG A 4 X 4 MOTEL SIGN ON CHAIN LINK FENCE AT THE DELTA MUNICIPAL AIRPORT

Mayor Dafoe asked Michael Van to address the Council regarding a request to hang a 4 X 4 motel sign on the chain link fence at the Delta Municipal Airport.

Michael Van requested Council's permission to mount a 4 x 4 sign advertising the Deltan Inn on the cable fence at the Delta Municipal Airport.

Council Member Robert Droubay spoke in opposition to a private sign being mounted on public property prior to an ordinance being adopted regulating the size, location, etc. He also expressed concern regarding the precedence this would set for other businesses wanting to advertise on City property.

Attorney Waddingham informed Mr. Van that it is a privilege to post a sign on public property and that the City has the right to regulate signs on public property, therefore, the City may revoke that privilege at any time.

Attorney Waddingham reminded the Council of a Lease Agreement between Delta City and Del Aero Service, Inc. and recommended that Burrastons be contacted so as not to infringe on that Lease Agreement. He then recommended that an ordinance be in place in

order to give the City the power to regulate and revoke signs, etc. prior to allowing any signs to be posted on public property.

George Van said that if they are allowed to hang a sign at the Airport property prior to adoption of an ordinance, they will remove the sign if it is not in compliance with the ordinance. Following further discussion, Council Member Robert Dekker MOVED to allow Michael Van to hang a sign on a temporary basis and that an ordinance be drafted that would regulate the signing at the Airport regarding size, condition and placement. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe instructed Mr. Van to meet with Public Works Director Neil Forster prior to placing a sign at the Airport.

PUBLIC WORKS DIRECTOR NEIL FORSTER: REQUEST TO ADVERTISE FOR BIDS FOR MATERIALS FOR THE WEST DELTA ANNEXATION WATER UPGRADE

Mayor Dafoe asked Public Works Director Neil Forster to present a request to advertise for bid materials for the West Delta Annexation Water Upgrade project.

Public Works Director Neil Forster submitted a bid schedule for the West Delta Annexation Water Upgrade Project and requested Council's approval to advertise for bid the items on that schedule.

Council Member Gayle Bunker MOVED to authorize Mr. Forster to advertise for bid materials for the West Delta Annexation Water Upgrade. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BOB RAINSDON, SPORTING PLACE: REQUEST TO USE CITY PROPERTY FOR HUNTING

Mayor Dafoe asked Bob Rainsdon to present a request to use City property for hunting purposes.

Bob Rainsdon explained that he has a sporting/hunting business on property located next to Delta City property near the airport. He requested City Council's permission to post "No Trespassing" signs on City property located between the river and the airport, which would be used as a buffer zone to their property.

Following discussion, Council Member Robert Dekker MOVED to allow Bob Rainsdon to post "No Trespassing" signs on Delta City property located between the river and the airport. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the meeting. There being

none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DROUBAY: APPOINTMENT OF LIBRARY BOARD MEMBER

Mayor Dafoe asked Council Member Robert Droubay to discuss the appointment of a Library Board Member.

Council Member Robert Droubay said that Kirk Penney recently resigned as a Library Board Member. He then MOVED to appoint Kirt Myers to the Library Board to fill Kirk Penney's term. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO SUBDIVISION ORDINANCE

Mayor Dafoe asked Attorney Richard Waddingham to discuss with the Council an amendment to the Subdivision Ordinance.

Attorney Richard Waddingham said that the Subdivision Ordinance needs to be amended to change the requirements regarding a Trust Deed and requested Council's permission to draft an ordinance for that purpose.

Council Member Robert Droubay MOVED to authorize Attorney Waddingham to draft an ordinance amending the Subdivision Ordinance regarding Trust Deeds. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: FIREWORKS ORDINANCE

This agenda item was discussed along with Agenda Item No. 7, REGULATIONS FOR RETAIL SALE OF FIREWORKS.

MAYOR DON DAFOE: ANNUAL RENT FOR DELTA CITY HANGAR

Mayor Dafoe read the following letter from Pete Shields:

Due to circumstances beyond our control, my husband has been unemployed for the past six months. We realize that we are in default on our rental payment. I am writing this letter to request consideration from the City Council. We want to do what's fair; however, due to lack of funds we are unable to make our payment at the present time. As soon as my husband returns to work we will bring our payments current. We are also wondering if it would be possible to lower the monthly payment.

Any consideration you could give at this time would be very much appreciated.

Sincerely,
Mr. & Mrs. Pete Shields

Public Works Director Neil Forster said that a Gentlemen's Agreement was made between Delta City and Pete Shields wherein Mr. Shields agreed to pay \$80 per month.

Mr. Forster reported that he contacted the Department of Agriculture to see if they would be interested in renting the hangar from Delta City. It was indicated that they might be interested but did not indicate how long they would rent it or how much they would be willing to pay per month. Mr. Forster said that the hangar is in need of repair and estimated the cost of repair to be approximately \$2,000 - \$3,000.

Mayor Dafoe asked the Council if they wanted to continue with an arrangement with Mr. Shields or if they wanted to work out an arrangement with the Department of Agriculture at a higher rental rate.

A representative from the Department of Agriculture addressed the Council and reviewed the Department's association with Delta City over the past few years.

Following lengthy discussion, Council Member Wesley Bloomfield MOVED to allow Pete Shields to continue the hangar rental at \$80 per month and to instruct Public Works Director Neil Forster prepare a Submittal For Offer for construction of a new hangar for the Department of Agriculture. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: UPDATE OF STATE REGULATIONS FOR HANDLING CITY FUNDS

Mayor Dafoe asked City Recorder Dorothy Jeffery to review State regulations with the Council.

City Recorder Dorothy Jeffery said that the Auditors have informed her of the following new State regulations for handling City funds:

1. Council approval is required for persons authorized to sign Delta City checks.
2. The City Recorder is required to sign all completed bank reconciliations.
3. All outstanding checks have to be reviewed by the City Recorder.
4. Council approval is required for the Treasurer and City Recorder to invest City funds.
5. All adjustments for Water and Sewer refunds must be

- approved by the Department Head and the Mayor.
6. All Water and Sewer refunds must be signed by the Mayor.

City Recorder Dorothy Jeffery then requested Council's approval for the above six items that have been required by the auditors.

Following brief discussion, Council Member Robert Droubay MOVED to approve the above mentioned items regarding the handling of City funds. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: APPOINTMENT OF TWO ALTERNATIVES TO THE BOARD OF ADJUSTMENTS

Mayor Dafoe said that there is presently a five member Board of Adjustments and two alternates need to be appointed to that Board. He then recommended that Gary Hall and Ron Petersen be appointed as alternates to the Board of Adjustments.

Following brief discussion, Council Member Rex Harris MOVED to appoint Gary Hall and Ron Petersen as alternates on the Board of Adjustments. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Dafoe said that Chief Bryce Ashby has requested that Delta City pay for his wife's health insurance coverage.

The Council concurred that Chief Ashby should be paid the additional health insurance benefit; however, at the time a new Chief is elected, that benefit will be reconsidered.

Council Member Gayle Bunker MOVED to authorize payment of Chief Ashby's wife's health insurance. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Robert Droubay said that Librarian Deb Greathouse has requested that Gerry Ogden be hired as a part-time Librarian to replace Leslie Larson. The Council was in favor of hiring Gerry Ogden.

City Recorder Dorothy Jeffery said that some housing grant money has been made available to Delta City and she will follow up on that.

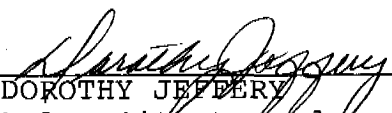
Two Delta High School students were in attendance and reported on the University of Utah School on Alcohol & Drug Dependencies. They thanked the Council for their support and said they learned a great deal about drug and alcohol abuse and plan to use this knowledge in helping students in the high school.

The Council discussed complaints they have received regarding unkept businesses on Main Street.

Prayer in Council Meeting was discussed and the Council agreed to ask leaders of the different denominations within Delta City to offer an opening prayer at each Council Meeting.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:30 p.m. p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 9-10-90